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# *The Town of Centreville*

## **CENTREVILLE TOWN COUNCIL**

101 LAWYER'S ROW  
Centreville, Maryland 21617

**FOR IMMEDIATE RELEASE**

**CONTACT:** Royden N. Powell, III  
Town Manager  
410-758-1180

### **Court denies developer's request for Temporary Restraining Order**

**CENTREVILLE, MD**-December 15, 2004 – Judge Thomas G. Ross denied a request today from the developer of the North Brook subdivision to issue a Temporary Restraining Order against the Town of Centreville. Today's hearing was part of a suit filed December 10, 2004 in the Circuit Court for Queen Anne's County alleging the Town breached the Public Works Agreement (PWA) between the Town and the developer. North Brook, North Brook Farms I, LLC and North Brook Farms II, LLC were seeking to restrict the issuance of water and sewer allocations by the Town, alleging the Town had violated the Public Works Agreement between the Town and the developer.

Town Attorney, Stephen H. Kehoe, successfully argued that there were other stakeholders who would be adversely affected if the restraining order were granted and that the Town has acted within the authority set forth in the Town Charter and Code. Kehoe further suggested that North Brook would not realize "immediate, substantial and irreparable harm" and that they had not acted in a timely manner in filing the complaint.

In delivering his decision, Judge Ross said that certain conditions for granting a Temporary Restraining Order (TRO) had not been met. Specifically, there was not necessarily a reasonable likelihood for success on North Brook's part; there are other beneficiaries to be affected by issuing a TRO; it would not be in the public's interest to grant the order; and that there may be other remedies at law available to address the issues raised by the developer's Complaint.

The motion filed by North Brook last week also requested a hearing on whether the Town of Centreville had, in fact, violated their PWA. Judge Ross scheduled a status conference on January 11, 2005 and a hearing on the merits of the complaint for March 3, 2005.

Today's decision allows the Town to continue to issue the building permits according to the request for interim relief approved by the Maryland Department of the Environment (MDE). MDE's approval authorizes the Town to issue building permits to specific residential and commercial projects that were under contract at the time of the moratorium. In addition, the Town received relief for critical community projects, including the new home for Hospice of Queen Anne's County and the Rotary House, a residential facility for abused families.

Permits for additional projects may be granted upon MDE's approval of the Capacity Management Plan submitted by the Town October 19, 2004. If MDE approves the Plan prior to the January 11<sup>th</sup> hearing, the Town agreed today to accept applications for building permits, but the permits would not be approved prior to the January hearing.

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